

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

AFFIDAVIT OF JOSEPH R. GALLITANO

I, Joseph R. Gallitano, hereby depose and state that the following is true and accurate to the best of my belief as follows:

1. I am an Attorney in good standing and represent the Plaintiff in the above-captioned matter.
2. Exhibit A attached hereto is a true and accurate copy of the Complaint filed in this action.
3. Exhibit B attached hereto is a true and accurate copy of e-mails and letters regarding Kelley's illnesses and chief's memo re: sick time and absence issues.
4. Exhibit C attached hereto is a true and accurate copy of the Affidavit of Dennis M. Govoni.
5. Exhibit D attached hereto is a true and accurate copy of the Affidavit of Thomas M. Kelley.
6. Exhibit E attached hereto is a true and accurate copy of the Plymouth Retirement Board's Findings & Facts.
7. Exhibit F attached hereto is a true and accurate copy of the Medical Panel Report.

8. Exhibit G attached hereto is a true and accurate copy of page excerpts from the Deposition of Kevin F. Fahey, in this action.

9. Exhibit H attached hereto is a true and accurate copy of the Affidavit of Kevin F. Fahey.

10. Exhibit I attached hereto is a true and accurate copy of page excerpts from the Deposition of William R. Griffin, in this action.

11. Exhibit J attached hereto is a true and accurate copy of a letter from dated July 13, 2007 from Griffin.

12. Exhibit K attached hereto is a true and accurate copy of page excerpts from the Deposition of Robert J. Pomeroy, in this action.

13. Exhibit L attached hereto is a true and accurate copy of page excerpts from the Deposition of Eleanor Beth, in this action.

14. Exhibit M attached hereto is a true and accurate copy of a letter from Thomas M. Kelley to Ms. Beth dated May 10, 2001.

15. Exhibit N attached hereto is a true and accurate copy of page excerpts from the Deposition of Michael Sacco, in this action.

16. Exhibit O attached hereto is a true and accurate copy of Exhibit 2 from the Deposition of Michael Sacco.

17. Exhibit P attached hereto is a true and accurate copy of page excerpts from the Deposition of Michael Botieri, in this action.

18. Exhibit Q attached hereto is a true and accurate copy of page excerpts from the Deposition of Thomas M. Kelley, in this action.

19. Exhibit R attached hereto is a true and accurate copy of page excerpts from the Deposition of Paul Boyle, in this action.

20. Exhibit S attached hereto is a true and accurate copy of Exhibit 1 from the Deposition of Paul Boyle.

21. Exhibit T attached hereto is a true and accurate copy of an e-mail from Botieri re: Active Shooter Training dated April 8, 2003.

22. Case # 1 – Candy Bell v. John E. Potter, 234 F. Supp. 2d 91; 2002 U.S. Dist. LEXIS 24161.

23. Case # 2 – Charles N. Wormstead, Third v. Town Manager of Saugus & Others, 366 Mass. 659; 322 N.E.2d 171.

Signed and sworn to under the pains and penalties of perjury this 12th day of September, 2007.


Joseph R. Gallitano